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1                   UNITED STATES DISTRICT COURT  
2                   FOR THE SOUTHERN DISTRICT OF TEXAS  
3                   HOUSTON DIVISION  
4     RUDY CARMONA,                         )  
5   )  
6                   Plaintiff,                 )  
7   )  
8     VS.   ) CASE NO.: 4:21-CV-01473  
9   )  
10                   KILGORE INDUSTRIES,         )  
11   )  
12   )  
13                   Defendant.                 )  
14  
15

16                   -----  
17                   ORAL DEPOSITION OF  
18                   RUDY SAM CARMONA  
19                   APRIL 8, 2022  
20                   -----  
21  
22

23                   ORAL DEPOSITION OF RUDY SAM CARMONA, produced as a  
24                   witness at the instance of the DEFENDANT, and duly  
25                   sworn, was taken in the above-styled and numbered cause  
on April 8, 2022, from 8:41 a.m. to 1:32 p.m., before  
Lisa M. Durham, CSR in and for the State of Texas,  
reported by machine shorthand, at the location of the  
witness, City of Porter, County of Montgomery, State of  
Texas, pursuant to the Federal Rules of Civil Procedure  
and the provisions stated on the record or attached  
hereto.

Job No. CS5149584

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1       him that you might start, correct? That was your  
2       testimony?

3           A. Yes. That had been conversation going on for  
4       about two years.

5           Q. Okay. And you told me that in August 2020, you  
6       formally opened up RSC Mechanical, correct?

7           A. Uh-huh.

8           Q. Yes?

9           A. Yes.

10          Q. And at no time after formally opening up  
11       RSC Mechanical did you ever inform Paul that you had  
12       actually opened this company?

13          A. No.

14          Q. And let's take this one step further. Before  
15       this conversation with Paul that's being held on  
16       October 26, 2020, you never informed him that you were  
17       quoting Kilgore clients via RSC Mechanical, correct?

18          A. No.

19          Q. Okay. Going back to Paul's conversation with  
20       you on October 26, 2020, you testified that he told  
21       you -- he asked you who was RSC, and you responded it's  
22       me. What happened after that?

23          A. He showed me the Dresser-Rand quote that was  
24       given to him by -- not Kevin. Apparently somebody in  
25       Dresser-Rand management.

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# EXHIBIT 2

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1 Paul during your termination meeting, did you tell him  
2 that he was discriminating against you?

A. No. I don't think I did.

4 Q. Once you left Kilgore on October 26, 2020, what  
5 did you do with regards to work and income?

6           A. Well, I already had income from my windshield  
7 business, but then I started to try to reach out to new  
8 clients, try to build my company.

9 Q. And those clients that you were reaching out  
10 to, were they Kilgore clients?

11 A. Some yes and some no.

12 Q. Okay. Which one of those that you reached out  
13 to were Kilgore clients?

14           A. Obviously, FMC, and again, Halliburton was  
15        aware the moment I am. So they were one of the ones. I  
16        did not reach out to them. They reached out to me. So  
17        the conversation began because of the D.E. Harvey PO.  
18        Brookfield.

19 Q. Who else?

A. Those are the only Kilgore clients.

21 Q. So you talked about your windshield business.  
22 So let me ask you this. Is Kilgore aware that you also  
23 had a windshield business going on?

24 A. Yes.

Q. And they never had any issues with the

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1       windshield business, correct?

2           A. No. I actually did Kilgore windshields.

3           Q. And as a matter of fact, your job at Kilgore  
4 had nothing to do with windshields, right?

5           A. No. That's where I was -- I was actually doing  
6 Kilgore windshields.

7           Q. Because a job that didn't conflict directly  
8 with the job that you performed at Kilgore was okay to  
9 do, not one that conflicted directly, correct?

10          A. Yes. They were aware from the moment of the  
11 interview. Jeff and Paul asked me, and I said I have a  
12 windshield business. So they were aware from day one.

13           MS. ALFARO: Why don't we take a break. It  
14 is currently 10:08. Let's come back at 10:20.

15           THE WITNESS: Okay.

16           (A recess was taken.)

17           THE REPORTER: Go ahead.

18           MS. ALFARO: Thank you.

19           Q. (BY MS. ALFARO) Mr. Carmona, before we  
20 continue, I just want to remind you that you are under  
21 the same oath as this morning. Okay?

22           A. Okay.

23           Q. I'm going to go into some questions now. What  
24 is your highest educational degree obtained?

25           A. I have an occupational certificate from

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1 San Jac for HVAC.

2 Q. What year?

3 A. I think it was 2002. I think so, yeah.

4 Q. And prior to that, you graduated from high  
5 school?

6 A. Yes.

7 Q. From where?

8 A. Stephen F. Austin High School.

9 Q. What year?

10 A. Oh, '99.

11 Q. Do you have any other certifications or  
12 anything else?

13 A. Just my EPA license, my state contractor's  
14 license for HVAC.

15 Q. And are those active and in good standing?

16 A. Yes.

17 Q. Let's talk a little bit about your employment  
18 history prior to Kilgore. Prior to Kilgore, where were  
19 you employed?

20 A. Before Kilgore, I was at Coopwood's air  
21 conditioning.

22 Q. You worked there from when to when?

23 A. June -- April of '10 to March of '13.

24 Q. So you worked there three years?

25 A. Yes.

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1 today, for over \$60,000, for about \$60,000?

2 A. I don't know how it got estimated, but again,  
3 I'm estimating what they owe me in a project that I did  
4 not see the revenue, which is the lab project for  
5 Halliburton.

6 Q. Let me get this clear. Is a hundred thousand  
7 incorrect or your 160 incorrect?

8 A. A hundred thousand is incorrect.

9 Q. Okay. So let's talk about your claim. So  
10 you're aware that you've made discrimination and  
11 retaliation claims against Kilgore, correct?

12 A. Yes.

13 Q. Okay. And what are the basis -- what basis are  
14 you claiming that Kilgore discriminated against you?

15 A. Race.

16 Q. Okay. Anything else, or would that be all?

17 A. No. The race, the harassment, the constant  
18 withholdings of my compensation, the constant -- the  
19 constant bickering with my superior over how much I make  
20 every month.

21 Q. And your claim is that all of those things that  
22 you're alleging that happened occurred because of your  
23 race. Is that your allegation?

24 A. Yes.

25 Q. And all of those things that you just testified

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1 occurred only because of your race. That's what you're  
2 claiming?

3 A. Yes, because they did not happen to the -- the  
4 white salespeople at Kilgore.

5 Q. Okay. Let's talk a little bit more about that.  
6 Can you please explain to me each and every alleged act  
7 of discrimination that Kilgore did against you?

8 A. I can't explain each and every one. I don't  
9 know.

10 Q. Well, sir, this is your complaint, so I need  
11 for you to tell me each and every one.

12 A. I'm going to explain the ones that I remember.

13 Q. Okay.

14 A. So I was constantly being withheld my monthly  
15 statements while the white guys were not. Now, that's  
16 years and years, obviously seven years. Okay?

17 I was constantly asked to renegotiate in  
18 December, and the white guys were not.

19 I, who had the largest projects and  
20 required the most manpower on my projects, was having to  
21 fight for manpower while the white salespeople did not.

22 I was blasted on emails in front of the  
23 whole department as to why I was calling the technicians  
24 while they were on the other jobs with the white  
25 salesmen. Your camera went off.